



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/055,426

01/23/2002

Robert Krupczak

00124-027001

7921

23483

7590

12/28/2006

WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER

SERRAO, RANODHI N

ART UNIT

PAPER NUMBER

2141

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
--	-------------------	---------------

3 MONTHS

12/28/2006

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 12/28/2006.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com

tina.dougal@wilmerhale.com

michael.mathewson@wilmerhale.com

Office Action Summary

Application No.

10/055,426

Applicant(s)

KRUPCZAK, ROBERT

Examiner

Ranodhi Serrao

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 April 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection. The applicant argued in substance the newly added limitations of claim 1-31. However, the new grounds teach these and the added features. See rejections below.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kekic et al. (6,272,537).

5. As per claim 9, Kekic et al. teaches a computer-based method for distributed systems management, including: monitoring a first managed device with a first agent

Art Unit: 2141

executing on the first managed device, wherein the first agent gathers dependency data describing a dependency relationship between the first managed device and a second device (column 8, lines 21-34); and starting a second agent to monitor the second device based on the dependency data gathered by the first agent, wherein the second agent executes on the second device (column 13, line 60-column 14, line 6).

6. As per claim 10, Kekic et al. teaches the first managed device is managed by a distributed systems management software application and the second device is also managed by the distributed systems management software application at the time the dependency data is gathered by the first agent (column 8, lines 21-34).

7. As per claim 11, Kekic et al. teaches the first managed device is managed by a distributed systems management software application and the second device is not being managed by the distributed systems management software application at the time the dependency data is gathered by the first agent (column 8, lines 21-34: wherein it is obvious to one of ordinary skill in the art to implement not managing the second device by the distributed system management software from reading the above reference).

8. As per claim 12, Kekic et al. teaches a computer-based method for formatting dependency information for display, including: providing a display area having a linear border; selecting a root managed device residing in a distributed network to display at a root distance from the border; and displaying a non-root managed device having a dependency relationship with the root managed device, where the dependency relationship has a length of at least one, the displaying including indenting the

Art Unit: 2141

representation of the non-root managed device a predetermined distance away from the border, greater than the root distance and dependent upon the length (Kekic et al., col. 23, lines 26-50).

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kekic et al. and Reichmeyer et al. (6,286,038).

11. As per claim 1, Kekic et al. teaches a computer-based method for collecting dependency data (see Kekic et al., column 2, lines 36-49: wherein the network element contains the agent process, therefore the agent process has dependency on the element), the method including: collecting configuration data describing a first networked resource via a software agent executing on the first networked resource (see Kekic et al., column 2, lines 36-49); extracting, via the software agent dependency data from the configuration data (see Kekic et al., col. 49, lines 51-61), the dependency data specifying a dependency relationship between the first networked resource and one or more other networked resources (see Kekic et al., column 5, lines 8-14); and populating a repository with the dependency data (see Kekic et al., column 16, lines 3-18). But fails to teach wherein the repository is stored separate from other configuration data collected by the software agent. However, Reichmeyer et al. teaches wherein the repository is stored separate from other configuration data collected by the software

Art Unit: 2141

agent (see Reichmeyer et al., col. 4, line 51-col. 5, line 10). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kekic et al. to wherein the repository is stored separate from other configuration data collected by the software agent in order to permit the automatic configuration of IP parameters that are interface specific and non-global on an IP host (see Reichmeyer et al., col. 4, lines 31-43).

12. As per claim 2, Kekic et al. and Reichmeyer et al. teach the repository is stored on the first networked resource (see Kekic et al., column 5, lines 8-14).

13. As per claim 3, the above-mentioned motivation of claim 1 applies fully in order to combine Kekic et al. and Reichmeyer et al.

14. As per claim 3, Kekic et al. and Reichmeyer et al. teach collecting dependency data from a plurality of networked resources including the first networked resource; and storing the dependency data in a repository centralized within a distributed systems management environment wherein the centralized repository is stored in the distributed systems management environment separately from other configuration data associated with the plurality of networked resources (see Reichmeyer et al., col. 5, lines 11-38).

15. As per claim 4, Kekic et al. teaches a computer-based method for communicating dependency data, including: collecting configuration data describing a first managed device via an agent executing on the first managed device (see Kekic et al., col. 2, lines 36-49); and offering access to the table, the access being offered via a dependency interface for a distributed systems management protocol on the agent (see Kekic et al., col. 34, lines 15-26). But fails to teach extracting, via the agent, dependency data from

Art Unit: 2141

the configuration data, the dependency data specifying dependency relationships between the first managed device and one or more other managed resources; generating a table that includes the extracted dependency data, wherein the table is stored separate from other configuration data associated with the first managed device that has been collected by the agent. However, Reichmeyer et al. teaches extracting, via the agent, dependency data from the configuration data, the dependency data specifying dependency relationships between the first managed device and one or more other managed resources (see Reichmeyer et al., col. 5, lines 16-38); generating a table that includes the extracted dependency data, wherein the table is stored separate from other configuration data associated with the first managed device that has been collected by the agent (see Reichmeyer et al., col. 9, lines 15-33). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kekic et al. to extracting, via the agent, dependency data from the configuration data, the dependency data specifying dependency relationships between the first managed device and one or more other managed resources; generating a table that includes the extracted dependency data, wherein the table is stored separate from other configuration data associated with the first managed device that has been collected by the agent in order to permit the automatic configuration of IP parameters that are interface specific and non-global on an IP host (see Reichmeyer et al., col. 4, lines 31-43).

16. As per claim 5, Kekic et al. and Reichmeyer et al. teach the distributed systems management protocol is an open standard (see Kekic et al., column 1, lines 35-43).

Art Unit: 2141

17. As per claim 6, Kekic et al. and Reichmeyer et al. teach the distributed systems management protocol is SNMP (see Kekic et al., column 2, lines 20-27).

18. As per claim 7, Kekic et al. and Reichmeyer et al. teach offering access includes a distributed systems management software application communicating across a network with the agent using the distributed systems management protocol (see Kekic et al., column 2, lines 36-49).

19. As per claim 8, Kekic et al. and Reichmeyer et al. teach the agent communicates with a distributed systems management software application using the distributed systems management protocol to raise a trap based on the dependency data included in the table (see Kekic et al., column 2, lines 36-49).

20. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kekic et al. as applied to claim 12 above, and further in view of Perttunen (6,359,635).

21. As per claim 13, Kekic et al. teaches the mentioned limitations of claim 12 above but fails to teach displaying further includes displaying a plurality of non-root managed devices in a tabular layout ordered according to a breadth-first search of devices joined by direct dependency relationships, the search beginning with the root managed device. However, Perttunen teaches displaying further includes displaying a plurality of non-root managed devices in a tabular layout ordered according to a breadth-first search of devices joined by direct dependency relationships, the search beginning with the root managed device (see Perttunen, column 10, line 60-column 11, line 10 and column 14, lines 35-52). It would have been obvious to one having ordinary skill in the art at the

Art Unit: 2141

time of the invention to modify Kekic et al. to displaying further includes displaying a plurality of non-root managed devices in a tabular layout ordered according to a breadth-first search of devices joined by direct dependency relationships, the search beginning with the root managed device in order to provide a visible representation of information with a plurality of regions and to provide an input interface to allow a user-initiated selection of a portion of the information (see Perttunen, col. 2, lines 23-29).

22. As per claims 14-17, the above-mentioned motivation of claim 13 applies fully in order to combine Kekic et al. and Perttunen.

23. As per claim 14, Perttunen and Kekic teach the breadth-first search is constrained to a predetermined depth (see Perttunen, column 10, line 60-column 11, line 10).

24. As per claim 15, Perttunen and Kekic teach displaying further includes displaying a plurality of non-root managed devices in a tabular layout ordered according to a depth-first search of devices joined by direct dependency relationships, the search beginning with the root managed device (see Perttunen, column 10, line 60-column 11, line 10 and column 14, lines 35-52).

25. As per claim 16, Perttunen and Kekic teach the depth-first search is constrained to a predetermined depth (see Perttunen, column 10, line 60-column 11, line 10).

26. As per claim 17, Perttunen and Kekic teach the predetermined distance for any such non-root managed device in the display area is determined by multiplying the length times a base predetermined distance (see Perttunen, column 10, lines 20-27).

Art Unit: 2141

27. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kracht (6,516,345) and Dravida et al. (2002/0078464). Kracht teaches a computer-based method for collecting dependency data, the method including: gathering configuration data associated with a plurality of networked resources via a plurality of software agents, such that a software agent runs on each networked resource in the plurality of networked resources (see Kracht, col. 9, lines 1-27); extracting, via the plurality of software agents, dependency data from the gathered configuration data, the dependency data including data specifying a dependency relationships between the networked resources (see Kracht, col. 6, lines 11-16). But fails to teach adding at least a portion of the dependency data to a central repository managed by a manager application, wherein the portion of the dependency data added to the central repository is stored in the central repository separately from other configuration data. However, Dravida et al. teaches adding at least a portion of the dependency data to a central repository managed by a manager application, wherein the portion of the dependency data added to the central repository is stored in the central repository separately from other configuration data (see Dravida, ¶ 185). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kracht to adding at least a portion of the dependency data to a central repository managed by a manager application, wherein the portion of the dependency data added to the central repository is stored in the central repository separately from other configuration data in order to assist in performing troubleshooting, flow control, systematic assignment of RIDs to

Art Unit: 2141

facilitate Wavelength Add Drop Multiplexing using Access Network Headers, network management and connection admission control (see Dravid et al., ¶ 184).

28. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kracht and Dravida et al. as applied to claim 12 above, and further in view of Kekic et al.

29. As per claim 19, Kracht and Dravida et al. teaches the mentioned limitations of claim 18 above but fails to teach the networked resource are managed by the manager application. However, Kekic et al. teaches the networked resource are managed by the manager application (see Kekic et al., column 5, lines 8-14). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kracht and Dravida et al. to the networked resource are managed by the manager application in order to provide a new capability for creating a managed element template, called an element manager, for a management-enabled computer network element, such as a bridge, a workstation, or perhaps, a computer software application that is executing a computer system connected to the network (see Kekic, col. 5, lines 25-39).

30. As per claims 20-22, the above-mentioned motivation of claim 13 applies fully in order to combine Kekic et al., Dravida et al., and Kracht.

31. As per claim 20, Kekic et al., Dravida et al., and Kracht teach wherein, based on the portion of the dependency data included in the central repository, the manager application initiates management of one or more additional resources not included in the plurality of networked resources (see Kekic et al., column 5, lines 8-14).

32. As per claim 21, Kekic et al., Dravida et al., and Kracht teach wherein, the one or more additional resources that the manager application initiates management of are specified as having dependency relationships with the plurality of networked resources (see Kekic et al., column 5, lines 8-14).

33. As per claim 22, Kekic et al., Dravida et al., and Kracht teach manager application offers a client application access to the central repository, the access using a distributed systems management protocol (see Kekic et al., column 6, lines 15-29).

34. Claims 23-31 have similar limitations as to claims 1-22 above; therefore, they are being rejected under the same rationale.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 2141

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER